IN THE

Supreme Court of the United States

JAN 21 1974

October Term, 1973
No. 73-981

JOSH ELLIOTT and ROBERT D. ELLIOTT,

Petitioners,

vs.

CHRYSLER MOTORS CORPORATION, WALTER EPPRECHT, WALTER EPPRECHT'S DODGE CORPORATION, JOHN DOE,

Respondents.

Brief in Opposition to Petition for Writ of Certiorari to the Supreme Court of the State of Nevada.

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There Is No Substantial Federal Question Presented.

Although petitioners have phrased their Question Presented otherwise, the issue presented is simply whether summary judgment may be awarded against black litigants in an action in which said litigants contend there are civil rights violations.

There is no claim that petitioners were not afforded full opportunity to resist the granting of such motion. Indeed the summary judgment states that the court ". . . having requested of all parties if any desired to present any further material pertinent to the motions pending and all parties responding in the negative. . . ." (Pet. A 11.)

There is no claim that summary judgment is awarded in Nevada in a discriminatory fashion when litigants on one side are not white. Nor is the Nevada summary judgment rule challenged.

A reading of the petition demonstrates that petitioners feel that the Nevada court erred in granting summary judgment based on the defense of statute of frauds and that they were entitled to a full trial of the issues.

Manifestly the complaint here made by petitioners presents no federal question, let alone a substantial one.

Conclusion.

The Petition for Writ of Certiorari should be denied.

Respectfully submitted,

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